



Meeting Date: February 15, 2023

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-12-2023

Subject: Applications for Official Plan Amendment (OPA 50) and Zoning By-law Amendment (ZBA-09-2020) for lands on Dausett Drive; Filed by Zelinka Priamo Ltd. (Katelyn Crowley) on behalf of 756949 Ontario Limited

Recommendation:

THAT Official Plan Amendment application (OPA 50), filed by Zelinka Priamo Ltd. on behalf of 756949 Ontario Limited, to redesignate the lands from “Settlement Commercial” to “Medium Density Residential” be ADOPTED;

AND THAT Zoning By-law Amendment application (ZBA-09-2020), filed by Zelinka Priamo Ltd. on behalf of 756949 Ontario Limited, to rezone the land from ‘Highway Commercial exception 9 (C2-9)’ to a site-specific ‘Urban Residential Third Density (UR3)’ zone be DEFERRED.

Purpose:

This report is to provide a recommendation for Official Plan Amendment and Zoning By-law Amendment applications on the land located off Dausett Drive east of Jeffries Road in Kilworth. The subject land is located south of Glendon Drive. The subject land is legally described as Plan 33M656 BLK 60, Municipality of Middlesex Centre.

A location map is included as Attachment 1.

Background:

The Official Plan Amendment application requests to re-designate the lands from “Settlement Commercial” to “Medium Density Residential”. Additionally, the Zoning By-law Amendment application requests to rezone the subject lands from ‘Highway Commercial exception 9 (C2-9)’ to a site-specific ‘Urban Residential Third Density exception x (UR3-x)’ zone.

The irregularly shaped parcel subject to the applications is vacant of buildings and currently contains excess soil. However, existing and planned commercial uses are located on the western portion of the property. These lands contain a building supply outlet, restaurant and commercial buildings. Existing medium density residential units abut directly to the east of the subject land. West of Jefferies Drive contains commercial lands in proximity to Glendon Drive. South, south-west, and east of the subject parcel exists a low-density residential community.

The initial application was received in 2020 and a public meeting was held on June 24, 2020, and at following meetings on August 11, 2021 and January 26, 2022. The application proposed a total of 54-units comprised of 18 townhouses and 36 stacked townhouses units.

Since the public meeting in June 2020, Staff and the Applicant reviewed the comments provided by the public and Council. Staff advised the Applicant that a land use change, such as the one proposed, would generally require a comprehensive review or assessment to convert the employment land and that the applications should be reviewed comprehensively as part of the Municipality's Official Plan Review, which was set to commence in July 2020. The Applicant was also advised that they have the ability to revise the application and proposal to include comments made by the public, Staff and Council.

At the request of the Applicants, Staff presented the applications to the public at a public meeting in August 2021. Noting the Official Plan Review and supporting studies which were underway, Staff recommended that the applications be deferred until the comprehensive review was prepared by the Municipality's consultant. In February 2022, the Municipality accepted the final Growth Management Study which informs the employment and residential projected land needs for the Municipality. The Applicant reviewed the Growth Management Study and provided their analysis within the revised Planning Justification Report (Attachment 2).

The Applicant also submitted a revised concept development plan (Attachment 3). The concept plan is preliminary and can be altered or refined through site plan and condominium review processes. The principle design features of the proposed development include the following:

- A single access and driveway will be off Dausett Drive. There will be no vehicular access to Glendon Drive.
- A total of sixty-four (64) dwelling units
 - Sixteen (16) townhouse dwelling units proposed along the eastern and southern property boundaries abutting existing residential development. Each townhouse unit is proposed to have a single car garage and driveway for a total of 2 parking spaces per unit
 - Twenty-four (24) stacked, back-to-back townhouse dwellings (apartment dwellings) in a block is located along the Glendon Drive frontage.
 - Twenty-four (24) stacked, back-to-back townhouse dwellings (apartment dwellings) in a block is located in the centre of the development.

- Sixty-four (64) surface parking spaces are located abutting the townhouse blocks and along the western property boundary abutting existing commercial development
- Amenity area located adjacent to the central townhouse block near the entrance of the development
- Private internal road that loops around the central townhouse block
- Dedicated waste collection area in central location
- Sidewalks are proposed from the entrance of the development to the central amenity area and around the townhouse blocks
- A 1.82 m (5.97 ft) noise wall is proposed at the rear of the units to mitigate traffic noise levels from Glendon Drive
- All proposed units are to be serviced from an existing storm sewer and watermain located on Dausett Drive

Policy Regulation:

When reviewing these applications the following planning instruments are applicable to guide development within settlement areas. The Provincial Policy Statement provides planning direction for growth and a variety of uses within settlement areas and contains specific policies to ensure development is appropriate. The property is identified as part of the Kilworth ‘Settlement Area’ in Middlesex County’s Official Plan and designated as ‘Settlement Commercial’ and identified within ‘Community Gateway’ within Middlesex Centre’s Official Plan. The property is zoned ‘Highway Commercial exception 9 (C2-9)’ by Middlesex Centre’s Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the land.

Provincial Policy Statement, 2020:

The Planning Act states that all decisions made by planning authorities “shall be consistent with the policy statements issued” under subsection 3. The Provincial Policy Statement, 2020 (PPS) document is comprised of several policy statements and those that are applicable to the proposed development are noted below.

Section 1.0 – Building Strong Healthy Communities establishes policies that support long-term prosperity, environmental health and social well-being within communities.

Section 1.1 of the PPS identifies that healthy communities are sustained by accommodating an appropriate range and mix of uses, avoiding development patterns that cause environmental concerns, and promoting cost-effective development patterns that optimize the use of planned and future infrastructure.

Section 1.1.2 requires municipalities to accommodate an appropriate range and mix of land uses to meet projected land needs for a time horizon of up to 25 years. Within settlement areas land is to be made available through intensification and redevelopment.

Section 1.1.3 – Settlement Areas establishes that settlement areas can vary in size, population, and diversity and intensity of land uses. The PPS directs growth and development to settlement areas where new development varies in densities and land uses, and there are opportunities for intensification, redevelopment, and the efficient use of land. New development patterns are based on the efficient use of land that minimize negative impacts to the environment, support active transportation and are appropriate for the infrastructure and public service facilities.

Sections 1.1.3.4 and 1.1.3.6 promote intensification, compact development, varying uses and densities where it avoids or mitigates risks to public health and safety and is adjacent to the existing built-up area. Section 1.1.3.5 also allows municipalities to establish a minimum target for intensification within built-up areas subject to local conditions.

Section 1.3 – Employment directs municipalities to promote economic development and competitiveness by providing for an appropriate mix and range of employment uses and opportunities for diversification to meet long-term needs. Facilitating investment is generally completed by municipalities by identifying suitable sites for a variety of employment areas that support communities and that can be supported by current and future infrastructure.

Subsections of 1.3.2 – Employment Areas states that municipalities shall plan for, protect and preserve employment areas for current and future uses, and that necessary infrastructure is provided to support the needs.

Further, at the time of an Official Plan review, municipalities can review employment areas to ensure that the designations are appropriate. Municipalities may permit the conversion of lands within employment areas to non-employment uses, such as residential, through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long-term and that there is a need for the conversion.

Section 1.4 – Housing speaks to the provision of housing within a municipality. The PPS promotes an appropriate range and mix of housing types and densities and directs development of new housing towards areas where there is an appropriate level of infrastructure. Municipalities are to provide opportunities for all forms of housing and intensification to meet the social, health and well-being needs of the current and future community.

Sections 1.6 – Infrastructure and Public Service Facilities directs that infrastructure and be provided in an efficient manner that also prepares for the impacts of a changing climate. Section 1.6.2 directs municipalities to promote green infrastructure to complement existing infrastructure such as permeable surfaces, green roofs, and street trees.

Section 1.6.6 – Sewage, Water and Stormwater directs future growth and development to efficiently use and optimize existing services such as municipal sewage and water services, when available, and promote water conservation and water use efficiency. Servicing and land use considerations shall be integrated at all stages of the planning process. Further, municipal sewage and water services are the preferred form of servicing for settlement areas.

Section 1.6.6.7 promotes planning for stormwater management that is integrated with planning for sewage and water services and ensures that systems are optimized, feasible and financially viable over the long term; minimizes or prevents an increase in negative impacts on the environment and water system; does not increase risks to human health and safety and property damage; maximizes the extend and function of vegetative and pervious surfaces; and promotes stormwater management best practices such as low impact development, water conservation and stormwater attenuation.

Middlesex County's Official Plan:

The County of Middlesex Official Plan (County Plan) identifies the subject land within the Kilworth 'Settlement Area'.

Section 2.3.4 – Growth Management-Economic Development maintains a County goal to support economic activity and opportunities for residents to live and work within the County. The County Plan seeks to ensure there is a sufficient supply of employment land available throughout the County especially in areas where there is access to major arterial roads.

The County Plan also encourages municipalities to provide a balanced mix of housing and employment uses to ensure a sufficient labour force and to reduce the need for commuting.

Section 2.3.8 – Growth Management-Settlement Areas of the County Plan recognizes that Settlement Areas will be the focus for future growth including commercial, industrial and residential uses. These areas are intended to have the highest concentration and a wide range of land uses and full municipal servicing in conjunction with 2.4.5 of the County Plan.

Additionally, section 2.3.7 – Growth Management-Housing Policies encourages a wide variety of housing types, sizes and tenure to meet market requirements and demand for current and future residents. Municipalities are responsible to determine and encourage a range of housing types, densities and options through local official plans that meet current and future needs. This can also include intensification and redevelopment in appropriate locations.

Section 3.2 – Settlement Areas provides additional development policies for lands within Settlement Areas. The County Plan further supports that Settlement Areas are developed in a manner that is phased and compact, and preserves the historic character of Settlement Areas and complements the positive elements of the existing built-form. The County Plan defers to the municipality to provide detailed direction on a variety of areas including addressing land supply and policies for land uses within urban areas including residential and commercial.

With regard to municipal sanitary sewers and water services, Section 2.4.5 – Sanitary Sewers and Water of the County Plan promotes efficient and environmentally responsible development that can be supported by full municipal systems servicing.

County Council adopted Amendment No. 3 to the County official plan on July 19, 2022. The purpose of the Amendment was to update the official plan to ensure that the land use planning policies are current, reflect Provincial legislation and policy, have regard for matters of Provincial interest and any guideline documents, are consistent with the Provincial Policy Statement (PPS), and reflect changing community needs for the next 25-years. While the policies implemented through Amendment No. 3 are not in force and effect until Ministry approval, the updated policies are included in this report for informative purposes indicating the intent of County Council, but are not determinative for the purposes of this planning application.

Adopted Section 2.4.2.2 – General Policies states that the layout of all new residential developments shall provide a minimum of two access points to the existing road network. Exceptions to this policy shall be considered if the proposed street pattern is approved by the local Municipality, emergency service provider(s) and the County Engineer, where applicable.

Middlesex Centre's Official Plan:

The Middlesex Centre Official Plan (Official Plan) shows the land located within the Komoka-Kilworth Urban Settlement Area and Secondary Plan on Schedule A-2 and designated 'Settlement Commercial'. The land is also within the Community Gateway overlay on Schedule A-2 which provides additional guidance for specific areas within the Komoka-Kilworth area.

Lands designated 'Settlement Commercial' are to provide opportunities for retail, restaurants, recreational uses, personal services and offices within Settlement Areas where they do not undermine the planned function of the established Village Centres of the Municipality. New commercial development within 'Settlement Commercial' areas will be subject to the Municipality's Site Plan Manual and Urban Design Guidelines in order to reflect the traditional character of the settlement area it is in.

The 'Settlement Commercial' designation is not intended to accommodate sensitive land uses, such as residential, or more intense employment areas in order to maintain a sufficient supply of commercial uses that support an appropriate employment base.

Section 5.7.1 – Komoka-Kilworth Secondary Plan Goals establish the need to find a balance between a mix of land uses that serve key functions of a complete and vibrant community. Land uses include housing with different densities, local businesses, employment, institutions and recreation.

Section 5.7.5 – Komoka-Kilworth Settlement Commercial Area Policies applies special policies to the Komoka-Kilworth Settlement Area. This section requires appropriate screening between new commercial development and sensitive land uses, and does not permit the open storage of goods, materials, machinery or equipment.

Section 5.7.8 – Komoka-Kilworth Community Gateway Policies for Komoka-Kilworth are intended to promote a strong visual and signal of entry into the community. As such, these areas are intended to have landmark features such as signage and special landscape treatments that have visual prominence, and be considered when there are proposals for new development. Section 5.7.5 – Komoka-Kilworth Settlement Commercial Area Policies also provides direction for the Community Gateway. New development must adhere to site plan criteria such as having parking to the rear or side of the buildings, appropriate landscaping that provide a sense of entry to the community, and high quality design that contribute to the image of Komoka-Kilworth.

The Applicant has requested to amend the Official Plan by redesignating the land from 'Settlement Commercial' to 'Medium Density Residential' on Schedule A-2. The following policies will apply to the land.

Section 10.1 - Amendments to this Official Plan provides direction for municipalities when considering applications to amend the Official Plan. The municipality must consider all relevant issues relating to public interest, and notify the general public and agencies in accordance with the *Planning Act*.

At a minimum, the Municipality shall consider the following criteria:

- a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?
- b) Is there a demonstrated need or justification for the proposed change?
- c) Is the amendment in keeping with Provincial and County policy?
- d) What are the effects of the proposed change on demand for Municipal services, infrastructure and facilities?
- e) Can the lands affected by the application be adequately serviced to accommodate the proposed development? Are improvements necessary to adequately service the lands in question?

- f) What impacts will the proposed development have on surrounding land uses, traffic systems, infrastructure and servicing, settlement or Municipal character, features or structures of cultural heritage importance, and natural environment features? Can negative impacts be mitigated or eliminated?

The Municipality is also directed to undertake a five year review of the Official Plan to revise the plan as necessary.

Section 5.7.4 – Komoka-Kilworth Residential Area Policies summarized below apply to lands designated ‘Medium Density Residential’.

- The ‘Medium Density Residential’ designation has a housing mix target of 40% which refers to the intended balance between low density and medium density residential development in Komoka-Kilworth. Medium density development is intended to have a net density of 20 to 50 units per hectare.
- Development proposals shall provide for a diverse mix of multi-unit housing forms and choices of accommodate the needs and lifestyles of people at different stages throughout their life; and for the development along Glendon Drive, provide building orientation, façade and landscape treatments that create an attractive streetscape. Back-lotting of units will be strongly discouraged along Glendon Drive. Improvements to Glendon Drive may include upgrades to hard infrastructure (e.g. stormwater system, bike lanes, sidewalks) and may be a required as a condition of development.
- All new development must ensure appropriate orientation and massing of residential buildings to provide adequate private and public open spaces, and to facilitate the penetration of sunlight to these spaces.
- In addition to compliance with the urban design guidelines, private garages for residential development shall not project into the front yard than the habitable portion of the building or porch on the main floor in order to limit visual and streetscape impacts of garages.
- Entrance features to new residential neighbourhood development shall be encouraged where features are landscape related and require minimal maintenance.

Section 6.3 – Design Policies-Site Plans and Infill Developments provide additional direction to guide infill development to ensure there is compatibility with existing residences and neighbourhoods. High quality site design and architectural design is encouraged for new medium density residential development. Setbacks, massing, location of parking, architecture and other design elements will be carefully reviewed to ensure new development is in keeping with the character of the neighbourhood.

The Growth Management Study completed as part of the Official Plan Review identified commercial lands within Settlement Commercial areas. The Growth Management Study notes that “commercial employment growth is anticipated to be primarily accommodated within Settlement Commercial Areas, while the Village Centres are anticipated to accommodate moderate growth through infill”. Fourteen (14) net hectares of commercial designated land is required to support projected commercial growth between 2021 and 2046. The Municipality currently has 13 ha of vacant designated commercial lands within Komoka-Ilderton and Ilderton which results in a 1 ha deficit of vacant commercial lands. Komoka and Kilworth are expected to have the strongest demand for growth, however, there is a sufficient land supply.

Middlesex Centre Council adopted Amendment No. 59 on May 18, 2022. While the policies implemented through Amendment No. 59 are not in force and effect until County approval, the updated policies are included in this report for informative purposes indicating the intent of County Council, but are not determinative for the purposes of this planning application.

Adopted Section 5.3.1 – General Residential Policy was revised to ensure the Municipality has at least a fifteen year supply of designated land available at all times to meet projected new housing needs of the Municipality, and that 20% of development in Urban Settlement Areas like Kilworth occur by way of intensification.

The Municipality shall encourage that 20% of new housing is accessible to lower and moderate income households in accordance with the County Official Plan. In the case of ownership, the least expensive housing is where the purchase price is at least 10% below the average purchase price of a comparable resale unit in the regional market area for the previous year.

Adopted Section 5.8.4 – Komoka-Kilworth Residential Area Policies was revised to state the targeted housing mix within the Medium Density Residential designation has a Gross Density (units per hectare) of 20 to 50.

Adopted Section 6. 2 – Design Policies Plan of Subdivision states that this section shall apply to subdivisions, condominiums and site plan applications or cluster development. New development shall include sidewalks, other active transportation infrastructure and traffic calming measures as deemed appropriate by the municipality. Rear-lotting or reverse lotting on Municipal roads is discouraged. Wherever possible, new residences will be oriented towards street or parks. Developments shall be required to comply with the Municipality’s current infrastructure design standards as may be amended from time to time.

Adopted Section 6. 4 – Design Policies – Streetscapes and Public or Semi-Public Realm provides direction of streetscaping to complement the existing built form of the neighbourhood. Accessible sidewalks and low impact development standards should be incorporated to minimize the impacts of climate change and reduce stormwater management costs. Surface parking shall be located behind buildings and away from the

street to provide a continuous streetscape. Appropriate design treatments and buffering is encourage to screen parking areas from the public realm.

Middlesex Centre Zoning By-law:

The subject land is currently zoned site-specific ‘Highway Commercial exception 9 (C2-9)’ and permits all uses within the ‘Highway Commercial (C2)’ zone, *open storage as an accessory use to a Building Supply Establishment* and a *clinic*. The ‘Highway Commercial (C2)’ zone permits uses such as, but are not limited to, financial institutions, hotels, offices, restaurants, and retail and convenience stores. Additional site-specific zoning standards apply to the subject land such as maximum lot coverage, minimum front yard setback minimum exterior side yard setback and open storage exceptions.

The requested amendment would rezone the property to a site specific ‘Urban Residential Third Density exception x (UR3-x)’ zone to reflect the proposed 64-unit medium density development that consists of townhouses and stacked townhouses (apartment dwelling).

The proposed site-specific zone would address standards such as permitted uses, setbacks, maximum density, and lot coverage. The standards shown below are based on the proposed site plan (Attachment 3) and in some instances meet the current standards of the ‘Urban Residential Third Density’ zone such as Minimum Lot Area, Minimum Rear Yard Setback, Minimum Floor Area, Maximum Height, and Minimum Outdoor Amenity Space.

All proposed standards are shown in the table below and may change based on information and comments received from the public, Council, agencies and Staff:

	UR3 Zone	Proposed Site Specific UR3-x
Permitted Uses	Accessory Use Apartment Dwelling Multiple Unit Dwelling Street Townhouse Dwelling Townhouse Dwelling	Accessory Use Apartment Dwelling Multiple Unit Dwelling Street Townhouse Dwelling Townhouse Dwelling
Minimum Lot Area – for Apartment Dwelling, Multiple Unit Dwelling	250.0 m ² (2,691 ft ²) for each of the first four (4) dwelling units and 100.0 m ² (1,076 ft ²) for each additional dwelling thereafter	250.0 m ² (2,691 ft ²) for each of the first four (4) dwelling units and 100.0 m ² (1,076 ft ²) for each additional dwelling thereafter
Minimum Lot Area – for Townhouse Dwelling	250.0 m ² (2, 691 ft ²) per dwelling unit	178.0 m ² (1, 916 ft ²) per dwelling unit

	UR3 Zone	Proposed Site Specific UR3-x
Minimum Lot Frontage	30.0 m (98 ft)	9.8 m (32.15 ft)
Minimum Lot Depth	35.0 m (115.0 ft)	110.2 m (362 ft)
Minimum Front Yard Setback	6.0 m (19.7 ft)	6.0 m (19.7 ft)
Minimum Side Yard Setback – for Townhouse Dwelling	3.0 m (10 ft) on an interior lot, and 6.0 m (20 ft) on the side abutting a street and 3.0 m (10 ft) on the other side on a corner lot; provided that no side yard shall be required between the common wall dividing individual dwelling units.	3.0 m (9.8 ft); 6.0 m (19.7 ft) on the easterly property lines that abuts residential uses
Minimum Side Yard Setback – for Apartment Dwelling, Multiple Unit Dwelling	10.0 m (33 ft)	
Minimum Rear Yard Setback	8.0 m (26 ft)	8.0 m (26.2 ft) (for the purpose of this by-law, the property line abutting Glendon Drive is classified as the rear yard)
Maximum Lot Coverage	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a) of this By-law.	35% for the main building 38% for all buildings including accessory buildings subject to Section 4.1 a) of this By-law.
Minimum Floor Area – for Apartment Dwelling, Multiple Unit Dwelling	40.0 m ² (431 ft ²) per bachelor dwelling unit; 55.0 m ² (592 ft ²) per one bedroom dwelling unit;	40.0 m ² (431 ft ²) per bachelor dwelling unit; 55.0 m ² (592 ft ²) per one bedroom dwelling unit;

	UR3 Zone	Proposed Site Specific UR3-x
	65.0 m ² (700 ft ²) per two bedroom dwelling unit; 85.0 m ² (915 ft ²) per three bedroom dwelling unit; 85.0 m ² (915 ft ²) plus 9.0 m ² (97 ft ²) per each bedroom in excess of three (3) for dwelling units containing more than three (3) bedrooms	65.0 m ² (700 ft ²) per two bedroom dwelling unit; 85.0 m ² (915 ft ²) per three bedroom dwelling unit; 85.0 m ² (915 ft ²) plus 9.0 m ² (97 ft ²) per each bedroom in excess of three (3) for dwelling units containing more than three (3) bedrooms
Minimum Floor Area – for Townhouse Dwelling	65.0 m ² (700 ft ²)	65.0 m ² (700 ft ²)
Maximum Density	30 units per hectare	60 Units per hectare (gross)
Maximum Height	20.0 m (19.7 ft)	20.0 m (19.7 ft)
Minimum Outdoor Amenity	45 m ² (484 ft ²) per dwelling unit.	Total amount to be confirmed by Applicant.
Minimum Parking	1.5 spaces per unit = 96	1.5 spaces per unit
Visitor Parking	-	0 parking spaces identified on concept plan

Consultation:

Notice of the application was posted on the property and circulated to agencies, and property owners in accordance with the *Planning Act* and Ontario Regulation 545/06 ahead of the public meeting in June 2020 and August 2021. Additionally, residents who requested to be notified about decisions related to these applications were notified of this meeting.

Public Comments:

Prior to or at the public meetings in August 2021, Staff received the comments from area residents. The summary is included as Attachment 4.

The following comments have been received by Staff in relation to the revised conceptual plan prior to the February 2023 meeting.

- Traffic is a big issue in Kilworth heights. Dausett is a small street with a condominium complex already emptying out onto it. It creates many safety issues. Any new development should have access off Glendon in order to accommodate existing families, and the safety of the community. If an access off of Glendon cannot be accommodated than I am opposed to having this many new homes on this plot of land.
- It seems like a lack of prior planning on the part of the purchaser of these lands should not constitute an emergency on ours the local residents. They should have been aware of the municipal plan and not tried to pull a fast one and instead of asking permission before the purchase, asking forgiveness later.

There are a lot of homes in this plan, without a significant amount of parking. Not sure if anyone has been in Kilworth recently, but there is not transit so anyone living there will have a car or several cars (this is Canada we live in) and if they have any visitors those individuals will have cars. Overflow will be either onto the street, filling up the commercial parking spaces, or even worse filling up the adjoining condos visitor parking.

Continuing with the parking issue, over the winter will bylaw enforcement be out ticketing people that are blocking the plow during the no overnight parking hours? I've yet to see bylaw work after hours for infractions.

I can see the area proposed as the driveway for this development. It is not significant. And it will exit right next to the already present driveway to the condos as 9 Dausett. This is guaranteed to cause accident, especially as that corner isn't an intersection but is a curve, onto which this driveway would connect to the road.

- My concerns are that the proposal is for 64 units that will have only have 1 1/2 driveways for each (majority of families have two cars) which means any visitors would likely have to park elsewhere....and they won't have visitors parking there. That means Dausett will likely become congested with cars parking on the road. Also there will only be an entrance and exit using the small area between Homehardware and the condos. This is a busy area already with cars coming and going from the condos. There are numerous children on Dausett (that play on the sidewalk) and many walkers that use the sidewalk behind the Homehardware. To put 64 units (possibly 108 cars more or less) coming and going will make that small area crazy busy and dangerous. Also with all the new businesses being built off Jeffries the traffic is sure to get much busier there as well.
- Please accept this letter as our formal opposition to the proposed zoning change from commercial to medium density residential.

Residents who live near the Home Hardware are already dealing with increases and delays in traffic on Jefferies. With this re-zoning, these same residents will experience additional traffic on Dausett, not to mention parking overflow when the 54 dwellings have get together and there is not ample space to park guest cars, which will frequently occur in condo and townhome complexes. While we found the existing commercial zoning plan barely acceptable with the Home Hardware and additional commercial spaces within our quiet community we have moved out here for, the proposed changes are not something we can support. This part of Kilworth is known for the wide lots and space between unique homes. We do not want to cheapen and reduce the value of the homes that have most likely already taken a hit with the Home Hardware being in backyards and sightlines. This appears to be a case of the developer and Municipality trying to pack way too much into the remaining space, and visually you can tell that from the rendering.

Maintaining the zoning as commercial would keep the traffic flow out of the residential area and off of Glendon/Jefferies. If residential is sought after and keeping it commercial can no longer be considered, low density single family homes would be the only acceptable option to reduce the amount of total dwellings that go in that narrow space.

Agency Comments:

Prior to the public meeting in June 2020, Staff received the following comments. No additional comments were received at the time of writing this report.

The Municipality's Chief Building Official reviewed the requested amendments and has no concerns with the development at this time. Additional detailed comments will be provided during review of a detailed site plan.

The Municipality's Public Works and Engineering Department have reviewed the requested amendments and provided the following comments:

- A noise study will be required to review the application due to proximity of the sensitive land uses to Glendon Drive.
- A buffer will be required between the proposed residential use and existing commercial use to the west.
- The entrance to the site is crowded and not ideal given the proposed width (9.8 m/32.1 ft), however, Staff can work with the Applicant to find an appropriate solution.
- Due to the single entrance to the site, all services should be located outside of the roadway so that if there is future maintenance of the services, emergency services would still be able to access the development.
- The Applicant will need to provide a storm water management report and servicing brief.
- Additional detailed comments will be provided during review of the site plan

The Municipality's Director of Emergency Services – Fire Chief reviewed the requested amendments and previous site plan, and provides the following comments:

- Complex streets must meet the minimum width and turning requirements of the Ontario Building Code for firefighting apparatus
- The Applicant should address on-street parking. If on-street parking is allowed additional distances and street widths must be factored in
- The Applicant will need to identify the location of the proposed hydrants and how many there are. It is understood that a 250mm water supply will be available.
- Additional detailed comments will be provide during review of the site plan.

The County Engineer reviewed the requested amendments and has no concerns with the proposed uses. However, land dedication for proposed road widening may be necessary as prescribed in the Environmental Assessment for Glendon Drive, and no direct access would be permitted to Glendon Drive. Setbacks for proposed buildings need to comply with County standards as stated within the County Official Plan.

The Upper Thames River Conservation Authority (UTRCA) has no objections to the applications.

Analysis:

To consider the appropriateness of the requested Official Plan Amendment and Zoning By-law Amendment, it must be consistent with the Provincial Policy Statement, 2020, and conform and maintain the intent of the policies of the County Official Plan and Middlesex Centre Official Plan.

It is noted above that Staff requested the applications, which convert the commercial lands into residential lands, be reviewed concurrently with the Official Plan Review which commenced in July 2020. The Official Plan Review included a municipal comprehensive review that assessed the current employment and residential land inventory, and determine the land needs for the Municipality over the planning horizon. The review would also provide supplementary information for the applications. The Applicant has since provided a commercial land inventory and analysis of the Growth Management Study. The analysis generally supports the conversion of the commercial lands due to the available supply of land within Kilworth and Komoka and relatively low demand (within Attachment 2). The Applicant has determined that medium density residential development is the most efficient use of land at this location.

It should also be noted that unlike employment land conversion, there is no Provincial directive or framework to evaluate the conversion of commercial lands to other uses. However, some jurisdictions considered the Province's definition of "Employment" to include commercial uses (e.g. retail), or they have establish their own criteria or principles to consider these types of conversions. Criteria include consideration of the site characteristics (e.g. access, size); consideration of the entire commercial area and larger urban area (e.g. commercial node at Glendon Drive and Jefferies Road, and impact on

Komoka and Kilworth area), and consideration of the site as a transition between employment and sensitive land uses.

As Planning Staff addressed previously, the primary concern is related to the conversion of employment lands to residential, and removal of employment/commercial lands from an area that is identified at a priority intersection in Kilworth. While the lands may not be large and bound by sensitive residential land uses, the lands were intended to serve the Kilworth and Komoka communities, and become a gateway into the area with commercial lands to the west and north. The removal of an additional hectare would further deplete the available and vacant commercial land supply.

In previous studies prepared by the applicant during review of the initial commercial businesses (large scale retail), future service and retail commercial uses were planned for the west and east portions of the site. This included smaller-scale, stand alone or multi-unit commercial buildings with uses such as personal service, retail, restaurants or financial institutions. The applicant's intention at that time was to establish the large retail store and have it act as a catalyst for additional commercial development. Staff acknowledge that the applicant has since increased the amount of leasable commercial space on the land. Moreover, during this time the Municipality's vision for the Kilworth-Komoka community has also shifted its focus for commercial development along Glendon Drive for a range of small to large commercial developments. While this intersection continues to be an important node, it is not the sole commercial destination for the community.

Additionally, Schedule A-2: Komoka-Kilworth Urban Settlement Area and Secondary Plan designates lands south and east of the subject lands as Settlement Commercial. This designation extends south to Peregrine Avenue and east incorporating the existing medium density residential development on Dausett Drive and single detached homes on Peregrine Avenue. These residential developments removed the supply of commercial lands and encroach on the commercial focus of the intersection initially identified in the Secondary Plan. It is also acknowledged that adopted Official Plan (OPA 59) has removed these adjacent lands from the Settlement Commercial designation to reflect the current residential uses. As such, it is reasonable to determine that the initial focus of the commercial oriented intersection has shifted towards mixed-use development along Glendon Drive and that residential development has already encroached the commercial lands.

Staff acknowledge that the western portion of the subject lands are currently used or planned for commercial uses, and lands to the east of the subject lands also contain residential uses. Planning Staff initially raised concern with the compatibility of the proposed residential development with commercial development. However, Staff are confident that appropriate site design on subject lands could act as a transition area or intermediary between the commercial uses and existing residential uses to the east.

With regard to the revised concept plan, Staff acknowledge that the applicant attempted to address concerns raised by members of the public and Staff. This includes increased setbacks from abutting residential uses, removing residential uses from the western property boundary abutting the commercial uses, and providing an enhanced streetscape along Glendon Drive similar to other developments on Glendon Drive in Kilworth. However, the number of parking spaces shown for residents and visitors is limited and there is continued concern related to the single-access and impact on the local traffic network. Staff recommend that the zoning implement a minimum rate (0.1 spaces per unit) for on-site visitor parking through the Zoning By-law Amendment. Further, Staff acknowledge that this is a concept plan at this time, and final details related to access and the impact on Dausett Drive can be addressed during review of the site plan and/or condominium applications.

Section 5.4.4 of the Middlesex Centre Official Plan identifies the ability to request an amendment to 'establish permitted uses within Settlement Commercial designations that are not contemplated or permitted in Sections 5.4.2 and 5.4.3 of this Plan'. Proposals should be accompanied by sufficient market analysis, transportation studies, and planning studies detailing implications of the application to land use and public interest issues. Section 10.1 also provides the following criteria when considering amendments to the Official Plan.

a) Does the proposed amendment relate, and conform to the vision for the Municipality of Middlesex Centre?

The requested amendment does not support the planned Settlement Commercial designation at the Glendon Drive and Jefferies Road intersection. However, the vision for Middlesex Centre, through its Official Plan and Strategic Plan, identify the need to increase housing stock and a variety of built forms, and diversifying land uses to accommodate the significant population increases. The proposal contributes to adding stability to an existing urban community and is representative of infill development.

b) Is there a demonstrated need or justification for the proposed change?

The Growth Management Study prepared by Watson and Associates has determined that the existing commercial land supply is sufficient noting the small shortfall, and needed for the Municipality over the planning horizon. Additionally, medium to high density residential uses are needed to meet the short and long-term demand of housing and it should be provided through means such as intensification and infilling of existing residential lands.

c) Is the amendment in keeping with Provincial and County policy?

The Provincial Policy Statement, 2020 (PPS) and County Official Plan identifies that settlement areas are to attract diversity of land uses including commercial and residential growth. New development is based off efficient use of land that minimizes negative impacts to the environment, support active transportation and public service

facilities. The PPS also direct municipalities to promote economic development opportunities to meet long-term needs, and protect employment areas. As such, the PPS and County Official Plan allows local municipalities to determine the appropriate balance of uses to support a robust and healthy community to meet the needs of its current and future residents.

d) What are the effects of the proposed change on the demand for Municipal services, infrastructure and facilities?

Proposed development on the subject lands will be required to be on full services available within the area.

e) Can the lands affected by the application be adequately serviced to accommodate the proposed development? Are improvements necessary to adequately service the lands in question?

Public Works and Engineering has not identified servicing constraints with the proposal. However, the applicant will need to provide supporting studies to confirm the servicing required for proposed development to the satisfaction of the Municipality prior to any development occurring on the subject lands.

f) What impacts will the proposed development have on surrounding land uses, traffic systems, infrastructure and servicing, settlement or Municipal character, features or structures of cultural heritage importance, and natural environment features? Can negative impacts be mitigated or eliminated?

The proposed development may require improvements to the local road network and/or intersection as a result of the additional units and proximity to other medium density residential uses. It is noted by area residents that the current traffic patterns of Dausett Drive can be hazardous and the addition of vehicles may exacerbate the conditions. Should development be approved, Staff would recommend the applicant prepare a traffic study and work with the Municipality to implement mitigation methods.

As noted above the proposed residential development is compatible with existing residential uses. Appropriate site design will need to be considered to mitigate the impact from this development on adjacent lands and from commercial lands to the west. Further, Staff will work with the applicant to confirm zoning standards such as visitor parking rate, density and setbacks to mitigate impacts from adjacent landowners.

Planning Staff do not foresee negative impacts to the natural environment, municipal character, or cultural heritage.

As a result of the above and in consideration of all available information provided by the applicant and through the Official Plan review process, Planning Staff are satisfied that the Official Plan Amendment application can be supported by Council at this time. However, Planning Staff would like to continue working with the applicant to determine appropriate zoning standards for the site such as amenity area requirements, visitor parking requirements, garage depth, maximum density, and minimum building frontage along Glendon Drive. At a later date Planning Staff will provide Council with a recommendation on the Zoning By-law Amendment application.

This opinion has been provided with the benefit of receiving comments from agencies, the public and Council. Should new information arise regarding this proposal prior to or at the meeting, Council is advised to take such information into account when considering the applications.

Financial Implications:

None.

Strategic Plan:

This matter aligns with following strategic priorities:

- Balanced Growth

Attachments:

Attachment 1 – Location Map

Attachment 2 – Planning Justification Report

Attachment 3 – Concept Plan

Attachment 4 – Public Comments from previous Public Meeting